



August 3, 2011

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of written *ex parte* communication supporting NARUC request to put the anticipated industry-mediated plan out for comment along with the State Member Plan and ask commenters to compare and contrast them in the proceedings captioned:

In the Matter(s) of the Connect America Fund, WC Docket No. 10-90, National Broadband Plan for Our Future, GN Docket No. 09-51, Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135, High-Cost Universal Service Support, WC Docket No. 05-337, Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Lifeline and Link-Up, WC Docket No. 03-109

Dear Secretary Dortch:

On July 26, 2011, the National Association of Regulatory Utility Commissioners (“NARUC”) filed a written *ex parte* communication in the above-referenced dockets that urged the Federal Communications Commission (“FCC”) to seek comment on the industry-mediated plan that was at that point expected to be submitted in this proceeding¹ and the plan submitted by the State Members of the Federal-State Joint Board on Universal Service (“State Plan”)² simultaneously. NARUC also recommended that the FCC ask commenters to contrast the industry proposal with the State Plan.

The National Association of State Utility Consumer Advocates (“NASUCA”) wishes to express its strong support for NARUC’s procedural proposal. In particular, public comment on any proposal, particularly one submitted by certain segments of the

¹ See *ex parte* from Jonathan Banks, US Telecom (July 1, 2011). The plan was filed on July 29, 2011, but appears to represent primarily the views of **large** members of the industry.

² See *ex parte* from J. Bradford Ramsay, NARUC (July 26, 2011).

telecommunications industry, is absolutely essential for the FCC to meet its statutory duties.³ Which is not to say that NASUCA agrees in its entirety with every element of the State Plan,⁴ but does remain adamantly opposed to many of the aspects of the proposals of the members of the industry coalition.

Now that the initial comments and reply comments have cleared the air somewhat regarding the issues in the Notice of Proposed Rulemaking, there may also be other segments of the public and the industry on which further comments should focus. This certainly includes NASUCA's proposals,⁵ but should also include the proposals of the small rural carriers,⁶ and of the cable telecommunications firms.⁷

Finally, NASUCA would also note its strong support for a slight expansion of the NARUC resolution referred to in the July 26 ex parte, to the effect that the FCC should always take advantage of the expertise and insight of State commissioners **and state utility consumer advocates** on key issues, and acknowledge and give appropriate weight and deference to the carefully considered and record-based State Members' **and state utility consumer advocates'** comments.⁸ The consumers who NASUCA and its members represent are those that are intended to benefit from the FCC's universal service programs; they are also those who ultimately pay for those programs.

Respectfully submitted,

/s/

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³ See the *CALLS Order*, which made no pretense of basing interstate access charges on cost. *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers*, CC Docket Nos. 96-262 and 94-1, Sixth Report and Order, *Low-Volume Long-Distance Users*, CC Docket No. 99-249, Report and Order, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Eleventh Report and Order, 15 FCC Rcd 12962, 13046-49, paras. 201-05 (2000) ("*CALLS Order*"); *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92 ("01-92"), Public Notice, 21 FCC Rcd 8524 (2006); see also id., 21 FCC Rcd 13179 (2006); id., 22 FCC Rcd 3362 (2007). These plans were addressed under previous administrations with less of a public commitment to openness.

⁴ See NASUCA Reply Comments at 4-7, 47-51, 102-103, 116-117, 147-149, 162-163

⁵ See NASUCA Comments (April 18, 2011) at 4, 8-21.

⁶ See ex parte from Cheryl Parrino (July 25, 2011).

⁷ See National Cable Telecommunications Association ex parte (July 29, 2011).

⁸ See NARUC Resolution Strongly Supporting the Proposals Submitted on Universal Service Reform by the State Members of the Federal State Joint Board on Universal Service (July 20, 2011) at 3. As the FCC is aware, Simon ffitich, the utility consumer advocate for the State of Washington, is a State Member of the Joint Board.

CC: Chairman Julius Genachowski, Commissioners Copps, McDowell, Clyburn;
Zachary Katz, Chief Counsel & Senior Legal Advisor to the Chairman
Josh Gottheimer, Senior Counselor to the Chairman
Margaret McCarthy, Wireline Policy Advisor to Commissioner Copps
Christine D. Kurth, Policy Director & Wireline Counsel to Commissioner McDowell
Angela Kronenberg, Wireline Legal Advisor to Commissioner Clyburn
Sharon Gillett, Chief, Wireline Competition Bureau